

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON LOCAL GOVERNMENT**

**Call to Order:** By **VICE-CHAIRMAN LINDA MOSS**, on February 20, 2007  
at 3:23 P.M., in Room 317-B Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. John Esp (R)  
Sen. Kelly Gebhardt (R)  
Sen. Bob Hawks (D)  
Sen. Carol C. Juneau (D)  
Sen. Rick Laible (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)  
Sen. Jerry O'Neil (R)  
Sen. Mitch Tropila (D)  
Sen. Carol Williams (D)

**Members Excused:**

Sen. Kim Gillan, Chairman (D)

**Members Absent:** None.

**Staff Present:** Leanne Heisel, Legislative Branch  
Marigail Schreiner, Committee Secretary

**Audio Committees:** These minutes are in outline form only.

They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 361, SB 338, 1/31/2007; SB 438,  
2/12/2007; SB 451, SB 339,  
2/13/2007  
Executive Action: SB 438, SB 349, SB 427

00:00:00 Vice Chairman Moss opened hearing on SB 438

**HEARING ON SB 438**

**Opening Statement by Sponsor:**

00:00:10 **SEN. JIM ELLIOTT (D), SD 7**, opened the hearing on **SB 438**, Generally revise laws on volunteer fire services.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

Sen. Elliott

**EXECUTIVE ACTION ON SB 438**

00:01:40 **Motion:** **SEN. GEBHARDT** moved that **SB 438** BE TABLED.

**HEARING ON SB 361**

**Opening Statement by Sponsor:**

00:01:49 **SEN. CHRISTINE KAUFMANN (D), SD 41**, opened the hearing on **SB 361**, Revise zoning protest law.

**Proponents' Testimony:**

00:06:45 Paul Stahl, Deputy County Attorney, Lewis and Clark  
County

**EXHIBIT(los38a01)**

00:18:10 Ed Tinsley, Commissioner, Lewis and Clark County

00:20:12 Mike Murray, Commissioner, Lewis and Clark County

00:20:29 Tim Davis, Montana Smart Growth Coalition

**EXHIBIT(los38a02)**

**Opponents' Testimony:**

00:21:06 Michael Kakuk, Montana Association of Realtors

00:23:26 Andy Skinner, Resident, Helena

00:25:41 Steve Pilcher, Montana Stock Growers'

00:27:36 Ed Grady, Rancher, Canyon Creek

00:29:20 Cynthia Johnson, Pondera County Commissioner

00:30:28 Dustin Stewart, Montana Builder's Association

00:30:53 Chairman Gillan arrived

00:31:56 Mike Fasbender, Self

00:38:05 Anita Varone, Retired, Lewis and Clark County  
Commissioner

**Informational Testimony:**

00:39:03 None

**Questions from Committee Members and Responses:**

00:39:12 Sen. Hawks to Paul Stahl

00:41:06 Sen. Laible to Paul Stahl

00:46:21 Sen. O'Neil to Ed Grady

00:49:37 Sen. Hawks to Ed Tinsley

**Closing by Sponsor:**

00:52:46 Sen. Kaufman

**HEARING ON SB ON SB 451**

**Opening Statement by Sponsor:**

00:54:42 **SEN. DAN HARRINGTON (D), SD 38**, opened the hearing on **SB 451**, Liability for cleanup of insured damaged property.

**Proponents**

00:58:28 JD Lynch, representing Butte-Silver Bow  
01:01:04 Alec Hansen, League of Cities  
01:04:42 Jerry Jimison, Mayor, City of Glendive  
01:08:33 Jeff Miller, Fire Chief, Butte-Silver Bow  
01:09:30 Bob McCarthy, County Attorney, Butte  
01:10:59 Bob Worthington, CEO, MMIA

**Opponents**

01:11:57 Gordon Morris, on behalf of the State Auditor's Office  
01:15:08 Dwight Easton, Farmer's Insurance Companies  
01:17:41 Greg Van Horssen, State Farm Insurance Company  
01:20:02 Aimee Grmoljez, Montana Banker's Association  
01:20:59 Larry Kibbee, Property Casualty Insurance Company of America  
01:22:12 Steve Yeakel, Montana Independent Bankers  
01:22:38 Frank Cote, Farmers' Union Mutual Insurance Company  
01:23:28 Roger McGlenn, Executive Director, Montana Insurance Agencies of Montana  
01:24:32 Jason Thornrock, Self

**Informational Testimony**

01:25:56 None

**Questions from the Committee:**

01:26:13 Sen. Esp to JD Lynch

01:28:47 Chairman Gillan to Greg Van Horssen

01:31:40 Sen. Tropila to Greg Van Horssen

**Closing by Sponsor:**

01:32:58 Sen. Harrington

**HEARING ON SB 338**

**Opening Statement by Sponsor:**

01:37:23 **TERRY MURPHY (R), SD 39**, opened the hearing on **SB 338**,  
Revise parkland dedication requirements.

**Proponents' Testimony:**

01:37:59 Harold Stepper, Jefferson County Planner

01:39:45 Harold Blattie, Executive Director, Montana Association  
of Counties

**Opponents' Testimony:**

01:40:23 Michael Kakuk, Montana Association of Realtors

**Informational Testimony:**

01:41:43 None

**Questions from Committee Members and Responses:**

01:41:52 Sen. Tropila to Harold Blattie

01:43:45 Sen. Laible to Michael Kakuk

01:44:54 Sen. Esp to Michael Kakuk

01:46:51 Sen. Juneau

01:46:59 Sen. Hawks to Michael Kakuk

**Closing by Sponsor:**

01:48:05 Sen. Murphy

01:48:14 Break

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**HEARING ON SB 339**

**Opening Statement by Sponsor:**

01:37:23 **TERRY MURPHY (R), SD 39**, opened the hearing on **SB 339**,  
Revise annexation and zoning laws.

**Proponents**

01:55:54 Ken Weber, Chair, Jefferson County Commission

**EXHIBIT(los38a03)**

01:58:00 Sen. Bill Tash, SD 36

02:00:17 Rep. Scott Mendenhall, HD 57

02:02:34 Dick Johnson, Plant Manager Ash Grove Cement

02:07:48 Mary Bryson, Chairman, Board of Trustees, Montana City  
School District

**EXHIBIT(los38a04)**

02:14:17 Harold Blattie. Executive Director, Montana Association  
of Counties

02:17:01 Tony Kloker, Superintendent, Montana City School

02:20:01 Marlyn Atkins, Resident, Montana City

02:22:11 Matt Johnson, County Attorney, Jefferson County

**EXHIBIT(los38a05)**

02:24:53 Chuck Notbohm, Jefferson County Commissioner

02:25:17 Kris Menard, Citizen

02:27:32 Don Nulle, Retired Attorney, Resident Jefferson County

02:30:59 Ed Hall, Jefferson County

02:31:52 Tom Lythgo, Jefferson County Commissioner

02:32:18 Allen Erickson, Montana City Resident

02:33:08 Anita Varone, Retired, Lewis and Clark County  
Commissioner

**Opponents:**

02:34:09 Michael Kakuk, Montana Association of Realtors

02:37:10 Tim Burton, City Manager. Helena

[EXHIBIT\(los38a06\)](#)

[EXHIBIT\(los38a07\)](#)

02:46:04 Jan Paulsen, Property Owner, Northern Jefferson County

[EXHIBIT\(los38a08\)](#)

02:52:09 Alec Hansen, League of Cities and Towns

[EXHIBIT\(los38a09\)](#)

02:56:15 Greg Dahl, Rand D. Partners, LLC

[EXHIBIT\(los38a10\)](#)

03:00:48 Gordon Morris, on behalf of Lewis and Clark County  
Commissioners

03:02:19 Cathy Burwell, CEO, Helena Chamber of Commerce

[EXHIBIT\(los38a11\)](#)

03:03:35 Tim Davis, Montana Smart Growth Coalition

03:05:44 Harold Stepper, Jefferson County Planner - Proponent

**Informational Testimony:**

03:06:05 None

**Questions from the Committee:**

03:06:14 None

**Closing Statement by Sponsor:**

03:06:41 Sen. Murphy

03:10:18 Comments by Chairman Gillan

**EXECUTIVE ACTION ON SB 349**

03:11:31 **Motion:** SEN. GEBHARDT moved that SB 349 DO PASS.

03:11:44 **Motion:** SEN. GEBHARDT moved that SB 349 BE AMENDED.

**Discussion:**

03:12:12 Leanne Heisel

03:13:02 Chairman Gillan

03:13:17 **Vote:** Motion carried unanimously by voice vote.

03:13:28 **Motion:** SEN. GEBHARDT moved that SB 349 DO PASS AS AMENDED.

**Discussion:**

03:13:41 Sen. Gebhardt

03:14:07 Sen. Hawks

03:14:52 Sen. Esp

03:15:03 Leanne Heisel

03:15:25 Sen. O'Neil

03:16:15 **Substitute Motion:** SEN. O'NEIL made a substitute motion on SB 349.

**Discussion:**

03:16:23 Sen. Esp

03:16:50 Sen. Juneau

03:17:09 Sen. Laible

03:17:40 Sen. O'Neil



03:18:02 Sen. Gebhardt

03:18:40 Sen. O'Neil

03:19:08 Sen. Esp

03:19:17 Chairman Gillan

03:19:25 **Vote:** Motion failed 1-10 by voice vote with SEN.  
O'NEIL voting aye.

03:19:48 **Vote:** Motion carried unanimously by voice vote on the  
original amendment.

03:20:11 **Motion:** SEN. GEBHARDT moved that SB 349 DO PASS AS  
AMENDED.

**Discussion:**

03:20:20 Sen. Juneau

03:20:50 Sen. Gebhardt

03:21:34 Sen. Juneau

03:21:48 Leanne Heisel

03:23:14 **Motion/Vote:** SEN. GEBHARDT moved that SB 349 BE  
CONCEPTUALLY AMENDED. Motion carried 10-1 by voice vote  
with SEN. JUNEAU voting no.

03:24:00 **Motion/Vote:** SEN. GEBHARDT moved that SB349 DO PASS AS  
AMENDED. Motion carried 10-1 by voice vote with SEN.  
ESP voting no.

**EXECUTIVE ACTION ON SB 427**

03:25:17 **Motion:** SEN. HAWKS moved that SB 427 DO PASS.

03:25:29 **Motion:** SEN. HAWKS moved that SB 427 BE AMENDED.

**EXHIBIT**(los38a12)

**Discussion:**

03:25:36 Sen. Hawks

03:28:49 Leanne Heisel

03:29:33 Sen. Hawks

03:30:17 Chairman Gillan to Sen. Hawks

03:31:05 Sen. Hawks

03:32:08 Sen. Esp

03:33:03 Sen. O'Neil

03:33:42 Sen. Hawks

03:34:00 Sen. Moss to Sen. Hawks

03:36:31 Chairman Gillan

03:38:04 **Vote: Motion carried unanimously by voice vote.**

03:38:12 **Motion: SEN. HAWKS moved that SB 427 DO PASS AS AMENDED.**

**Discussion:**

03:38:23 Sen. Hawks

03:39:34 Sen. Esp

03:40:31 Sen. Hawks

03:40:52 Sen. O'Neil to Sen. Hawks

03:41:37 Sen. Laible to Sen. Hawks

03:42:53 Leanne Heisel

03:43:52 Sen. Hawks

03:44:36 LEANNE HEISEL, Staff from Legislative Services proposed a CONCEPTUAL AMENDMENT on SB 427.

**Discussion:**

03:45:40 Sen. Gebhardt

03:46:10 Sen. Hawks

03:46:16 Leanne Heisel

03:46:59 **Motion:** SEN. HAWKS moved that SB 427 BE CONCEPTUALLY AMENDED.

**Discussion:**

03:47:11 Sen. Tropila

03:47:51 **Vote:** Motion to conceptually amend SB 427 carried unanimously by voice vote.

03:48:06 **Motion/Vote:** SEN. HAWKS withdrew his motion to do pass as amended on SB 427. Motion carried 10-1 by voice vote with SEN. ESP voting no.

**ADJOURNMENT**

Adjournment: 7:02 P.M.

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SEN. KIM GILLAN, Chairman

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MARIGAIL SCHREINER, Secretary

KG/ms

Additional Exhibits:

**EXHIBIT ([los38aad.pdf](#))**